



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1994/NGO/37
17 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Humanitarian Law Project,
a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

THE SITUATION IN SRI LANKA

1. International Educational Development notes Commission resolution 1987/61 of 12 March 1987 in which the Commission called upon the Government of Sri Lanka to "pursue a negotiated political solution [to the conflict], based on principles of respect for human rights and fundamental freedoms". The Commission's call for a negotiated political solution to the conflict was repeated in the Statement of the Chairman of the Commission on Human Rights made on 27 February 1992 on behalf of the Commission:

"...

"The Commission urges the Government of Sri Lanka to continue to pursue a negotiated political solution with all parties, based on principles of respect for human rights and fundamental freedoms, leading to a durable peace in the north and east of the country." (E/1992/22-E/CN.4/1992/84, para. 416)

2. The conflict addressed in that resolution and statement is the conflict between the Tamil people, the original inhabitants of the north and east of the island of Ceylon, and the Sinhala-controlled Government of what is now called Sri Lanka. Prior to colonization by the British, there were separate Tamil and Sinhala States. The Tamil people, primarily Christian and Hindi, speak their own language and have their own traditions and customs. The Sinhala people are primarily Buddhist and their traditions and customs reflect that heritage. With the forced unitary rule, first as a result of colonization and then under the post-colonial Sinhala majority rule, the Tamil people were increasingly threatened. In the late 1970s, after nearly 30 years of attempted peaceful resolution to the many points of profound differences, the Tamil people began forming armed defence forces. At present, Tamil forces are consolidated in the Liberation Tigers of Tamil Eelam (LTTE), which continues to defend Tamil areas in a war against the Sinhala Government's armed forces, "home guards" and other armed entities.

3. The Commission's Working Group on Enforced or Involuntary Disappearances also discusses the possibility of a political resolution to the conflict and has raised the important issue of "how the LTTE is to be incorporated into the negotiating process. ... The future relationship between the north and east is the most important substantive item for the negotiations".
(E/CN.4/1993/25/Add.1, para. 124)

4. But there has been no negotiated settlement. The current Government even rejected a mediation offer made in September 1993 by Nobel laureates.

5. It has now been more than 10 years since the rampage of violence against the Tamil people produced 100,000 refugees in a matter of weeks and resulted in the first resolution on Sri Lanka in a United Nations human rights body - resolution 1983/16 of 5 September 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It has been more than 40 years since the Government of Sri Lanka embarked on anti-Tamil policies that led both to the communal violence of 1983 and to the continuation of the conflict between the Tamil people and the Sri Lankan Government - now controlled almost exclusively by Sinhala power blocs. Regarding the policy of relocation of Sinhala people into traditional Tamil areas, one senior official (a Sinhala), regretted his role publicly:

"My role was that of executor. We moved in a large group of 45,000 land-hungry peasants (Sinhala) into the Batticaloa and Polonnaruwa districts. ... We were seeking to have in Batticaloa zone a mass of persons opposed to a separate State." (Statement of H. Gunaratne, The Sri Lanka Sunday Times, 26 August 1990)

6. The pervasively Sinhala nature of the Government has even clouded the judgement of the Commission's Working Group, which in its 1993 report cited above characterized Sri Lanka as "[p]rofessedly a peace-loving nation, guided in large part by the pacifist teaching of Buddhism. ..." (annex I, p. 36). Sri Lanka is not Buddhist - the Sinhala people are. The Tamil people are Hindu and Christian. The Moors on Ceylon are Muslim. The clear misstatement of the nature of the people of Sri Lanka by the Working Group illustrates the failure of so many to recognize the vestiges of colonialism still rampant on the island of Ceylon. The Working Group saw and understood Sri Lanka as

Sinhala, defining Sri Lanka and "traditional Sri Lanka society" as Sinhala - perhaps not even aware of the pervasive power of this majority over others on the island or with any comprehension of this dominance as a cause of the profound conflict between the Tamil people and the Sinhala regime.

7. In recent months, the Sri Lankan Air Force has intensified aerial bombardment of the Tamil homeland, attacking temples, churches, hospitals and public offices, in direct violation of the Geneva Conventions and customary humanitarian law. Due to the large number of recent attacks on Tamil civilians, on 17 November, Bishop D.J. Ambalavalnar, Bishop Thomas Saundranayagam and Nallai Thiru Sampandar Atheenam issued the following joint statement:

"These events are not just sporadic occurrences but have been repeated so often in the past that we cannot but conclude it is part of a State policy against the Tamils. A close statistical study of the air raids carried out by the Sri Lankan Air Force in the north will show that the victims of the raids have almost always been innocent helpless civilians. When this is the case how could anyone avoid concluding that this is organized State terrorism?"

8. Since that time, bombings have continued. On 28 December, Alampil village was bombed. On 30 December, the centre of Chavakachcheri town - its market, Dreiberg College and CSI Church - was attacked. This attack, similar in gravity to that recently carried out against Sarajevo, resulted in the death of the vicar's wife, numerous other civilians and severe damage of the market, the church and vicarage and the college. As of 7 January, Thavadu village, Kumilamunai village, the school at Atchuvally Maha Vidyalyam, Thondamanru, Navandil, Udupiddu, Valvettiturai, Puttur and Avarangai villages were also subjected to aerial bombing.

9. International Educational Development regrets the continuing attacks on Tamil civilians, their schools, hospitals and markets and their cultural heritage. In the interest of peace on the island of Ceylon, the Commission must demand an immediate cessation of all bombing in the Tamil homelands and a lifting of the economic blockade imposed by the Sri Lankan Government on the north of the island. The blockade is causing untold hardship for Tamil civilians. The Commission must urge the Government of Sri Lanka and the LTTE to take immediate steps to bring about a cease-fire. Finally, the Commission must insist that the Sri Lankan Government and the Liberation Tigers of Tamil Eelam agree to international mediation. Such mediation should respect the integrity of the Tamil homeland (Tamil Eelam) in the north and east of the island and should recognize the right of the Tamil people to freely determine their political status.
